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GORDON & JACOBSON, P.C.
60 LONG RIDGE ROAD
SUITE 407
STAMFORD, CT 06902

EXAMINER	
JEANTY, ROMAIN	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/386,641
Filing Date: August 31, 1999
Appellant(s): BALDWIN ET AL.

D. Gordon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 4/5/2007 and the Response filed on 1/7/2007

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of the invention

The summary of the invention contained in the brief is correct.

(6) Issues

The issues argued in the Appeal Brief are correct.

(7) Grouping of Claims

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior art of record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

US Patent No. 5,978,768 to McGovern

Wagner "Employees selection makes Ritz tradition".

US Patent No. 6,385,620 to Kurzius

US Patent No. 6,289,340 to Puram et al "Puram".

US Patent No. 6,275,012 to Haq et al "Haq"

US Patent No. 6,571,334 to Feldbau et al "Feldbau"

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

35 USC § 103 (a) rejection:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGovern et al (U.S. Patent No. 5,978,768) in view of Wagner "Employees selection makes Ritz tradition. (Ritz-Carlton Hotel Co.'s Targeted Selection Process employment program)".

As to claim 1, McGovern et al discloses a process and system for predictive resource planning comprising:

Receiving employment positions from a plurality of employers "hiring contact", which reads on "for each of a plurality of available employment positions, receiving employment position" (see abstract; col. 9, lines 23-62),

storing the employment position data (col. 9, lines 56-62);

receiving a job seeker position information, which reads on "receiving individual candidate data representative of personality profile for said employment candidate" (col. 14, line 66 through col. 15, line 15);

comparing the job seeker information with the hiring contact's job position information, which reads on "comparing said individual candidate data with the employment position data to produce a list of potential employment positions for said candidate, from said employment positions, match said individual candidate data, providing said list to said candidate" (col. 15, lines 15-28).

McGovern et al discloses all of the limitations above, but does not explicitly disclose data measuring a plurality of defined personality traits for suitable candidates for that employment position, a list identifying those of said employment positions for which defined personality traits, as reflected by said employment position data. Wagner, in the same field of endeavor, discloses the idea of obtaining job position data and personality traits information from an employee and matching said position data. (See entire page 1 of Wagner). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of McGovern et al to incorporate the teachings of Wagner. A person having ordinary skill in the art would have been motivated to use such a modification in order to ensure a successful match of employee with employment. Providing a list to the candidate is not explicitly stated in McGovern et al. However, Wagner states "If you are not right for one position, you might be perfectly targeted to another position". Thus, in so doing, a potential candidate being qualified for more than one position would have been presented with a list of available identified positions. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these

teachings in McGovern et al with the motivation of providing a list of all possible job positions a candidate is qualified for thus obtaining the best candidate for the best suited position.

As per claim 2, McGovern et al discloses a computer for a computing device for performing the steps in claim 1 above (i.e. a computer and software) (col. 6, lines 57-65).

As per claims 3-4, McGovern et al does not explicitly disclose providing the candidate with a candidate questionnaire in order to determine the individual candidate data and thereby assessing a personality profile. Wagner discloses an employee selection process involving questioning a job applicant for obtaining personality traits data. See page 1 of Wagner. Wagner in the same field of endeavor, discloses wherein one of the personality traits of an employee is **poise** (Page 1 paragraph 4). Wagner further teaches providing a series of questions and interviews to the job applicant. It would have been obvious to one of ordinary skill in the art to note that these set of questions and interviews are similar to a questionnaire. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Wagner into McGovern et al for analysis purposes and in order to discover certain criteria from a job applicant. Further motivation for combining McGovern et al with Wagner has been recited in claim 1 above.

As per claim 5, the teachings of McGovern et al and Wagner are discussed above. Wagner further teaches that the questions are derived or obtained from skilled workers at defined positions. See page 1 of Wagner. It would have been obvious to one of ordinary skill in the art to present the same questionnaire to both employers and potential employees in the combination of McGovern et al and Wagner in order to ascertain that answers from job applicants are those that best matched an employers answer or interest from the job applicant.

As per claim 16, applicant is directed to the rejection of claim 1 above.

As per claim 17, McGovern et al does not explicitly disclose wherein al least one of the defined plurality traits is poise. Wagner in the same field of endeavor, discloses wherein one of the personality traits of an employee is **poise** (Page 1 paragraph 4. The motivation for combining McGovern et al with Wagner has been recited in claim 1 above.

Claim 18 recites a computer readable medium, storing computer software that when loaded into a computing device for performing the steps of method claim 1. The rationale of rejecting claim 1 is discussed above. McGovern et al is a computer device having software means for performing various functions. The combination of McGovern et al and Wagner would have resulted a computer readable medium, storing computer software that when loaded into a computer device performs the functions recited in claim 1 above.

As per claim 5, the teachings of McGovern et al and Wagner are discussed above. Wagner further teaches that the questions are derived or obtained from skilled workers at defined positions. See page 1 of Wagner. It would have been obvious to one of ordinary skill in the art to present the same questionnaire to both employers and potential employees in the combination of McGovern et al and Wagner in order to ascertain that answers from job applicants are those that best matched an employers answer or interest from the job applicant.

As per claim 16, applicant is directed to the rejection of claim 1 above.

As per claim 17, McGovern et al does not explicitly disclose wherein al least one of the defined plurality traits is poise. Wagner in the same field of endeavor, discloses wherein one of the personality traits of an employee is **poise** (Page 1 paragraph 4. The motivation for combining McGovern et al with Wagner has been recited in claim 1 above.

Claim 18 recites a computer readable medium, storing computer software that when loaded into a computing device for performing the steps of method claim 1. The rationale of rejecting claim 1 is discussed above. McGovern et al is a computer device having software means for performing various functions. The combination of McGovern et al and Wagner would have resulted a computer readable medium, storing computer software that when loaded into a computer device performs the functions recited in claim 1 above.

As to claim 19, McGovern et al discloses a computerized job search system and method for posting and searching job openings via a computer network. The system and method comprise:

A processor, a computer memory in communication with the processor, said computer memory storing processor readable (col. 6, lines 40-65) instructions adapting said computing device to:

receiving employment positions from a plurality of employers "hiring contact", which reads on "for each of a plurality of available employment positions, receiving employment position" (see abstract; col. 9, lines 23-62),

storing the employment position data (col. 9, lines 56-62);

receiving a job seeker position information, which reads on "receiving individual candidate data representative of personality profile for said employment candidate" (col. 14, line 66 through col. 15, line 15);

comparing the job seeker information with the hiring contact's job position information, which reads on "comparing said individual candidate data with the employment position data to produce a list of potential employment positions for said candidate, from said employment

positions, match said individual candidate data, providing said list to said candidate" (col. 15, lines 15-28).

McGovern et al discloses all of the limitations above, but does not explicitly disclose data measuring a plurality of defined personality traits for suitable candidates for that employment position, a list identifying those of said employment positions for which defined personality traits, as reflected by said employment position data. Wagner, in the same field of endeavor, discloses the idea of obtaining job position data and personality traits information from an employee and matching said position data. (See entire page 1 of Wagner). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of McGovern et al to incorporate the teachings of Wagner. A person having ordinary skill in the art would have been motivated to use such a modification in order to ensure a successful match of employee with employment. Providing a list to the candidate is not explicitly stated in McGovern et al. However, Wagner states "If you are not right for one position, you might be perfectly targeted to another position". Thus, in so doing, a potential candidate being qualified for more than one position would have been presented with a list of available identified positions. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these teachings in McGovern et al with the motivation of providing a list of all possible job positions a candidate is qualified for thus obtaining the best candidate for the best suited position.

As per claim 20, McGovern et al discloses limitations of claim 20 in the rejection of claim 19 above. In addition, McGovern et al discloses a network interface, in communication with said processor and in for interconnection with a computer network to receive said employment position data and said individual candidate data from said computer network (col. 4, lines 32-44).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGovern et al (U.S. Patent No. 5,978,768) in view of Wagner "Employees selection makes Ritz tradition. (Ritz-Carlton Hotel Co.'s Targeted Selection Process employment program)" as applied to claim 1 and further in view of Jane (The Computer Psychologist).

As per claim 21, the combination of McGovern et al and Wagner does not explicitly disclose psychometric test to assess said personality profile. Jane on the other hand, discloses the idea of using a psychometric test to assess a candidate personality profile. Note pages 2-7. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of McGovern et al and Wagner to include the psychometric test assessment of Jane in order to determine quantitative skills of the candidate.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGovern et al (U.S. Patent No. 5,978,768) in view of Wagner "Employees selection makes Ritz tradition. (Ritz-Carlton Hotel Co. 's Targeted Selection Process employment program) as applied to claim 1 above and further in view of Puram et al (U.S. Patent No. 6,289,340).

As per claims 6, 7, 8 and 9, the combination of McGovern et al and Wagner does not explicitly disclose numerical values and ranges indicative of personality traits. Puram et al on the other hand, in the same field of endeavor, discloses a matching system comprising data having numerical values and ranges for calculating a candidate profile score for best-fit matches (col. 8, lines 47-60). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of McGovern et al and Wagner to include the teachings of Puram. A person having ordinary skill in the art would have been motivated to use such a modification in order to match candidates to positions, thus enhancing the selection criteria into a make perfect match.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGovern et al in view of Wagner and in view of Puram et al as applied to claims 1 and 9 above and further in view of Haq et al (U.S. Patent No. 6,275,012).

As per claims 10-12, the combination of McGovern et al, Wagner, and Puram et al is discussed above. However, the combination does not explicitly disclose the use of calculating a metric comparing each trait of said candidate. However, Haq et al discloses the idea of a calculated metric for calculating an employee skill (see figure 3 and column 8, lines 47-60). It would have been obvious to a person of ordinary skill in the art to modify the teachings of McGovern et al, Wagner, and Puram et al to include the Haq et al's calculated metric. A person having ordinary skill in the art would have been motivated to use such a modification in order to optimize the assignment of employees to positions thus, further enhancing the selection criteria.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGovern et al in view of Wagner as applied to claims 1 and 9 above and further view of Feldbau et al (U.S. Patent No. 6,571,334).

Regarding claim 13 and 14, McGovern et al teaches the step of performing a validation operation whether to upload a computer readable file/document (col. 14, lines 44-49). However the combination of McGovern et al and Wagner fails to explicitly disclose providing a candidate/job seeker with an authenticator. Feldbau et al discloses the idea of using an authenticator for authenticating a document for secure transmission (col. 9 line 50 through col. 10 line 19). Incorporating the teachings of Feldbau et al into the disclosures of McGovern et al and Wagner would have been obvious to a person of ordinary skill in the a with the motivation to

securing the transmission of the listing/document, thereby ensuring the document reaches its recipient without being tampered with.

Regarding claim 15, the combination of McGovern et al and Wagner does not explicitly disclose a list containing identifier of employers. It would have been obvious to a person of ordinary skill in the art to include employer's identifier in the disclosures of McGovern et al and Wagner with the motivation to allow an employee to appropriately make an employer selection for a desired employment position.

Claim 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurzius et al (U.S. Patent No. 6,385,620) in view of Wagner (Employees selection makes Ritz tradition (Ritz-Carlton Hotel Co.'s Targeted Selection Process employment program)) or Jane (The computer Psychology).

As per claims 22, 23, 24, 25 and 26, Kurzius et al discloses a system and method for the management of candidate recruiting information. The system comprises:

Receiving and storing personality profile of candidates for job openings (col. 5, lines 49-57), which reads on "for each of said employment positions/openings, storing aggregate personality profiles";

Providing a survey form to the candidate, which reads on" providing a questionnaire a survey to a candidate" (col. 5, lines 51-55);

Administering a questionnaire to an employment seeker as a survey form to enter various qualification data (col. 9, line 52 to column 10, line 25);

candidate matching engine for matching the candidate profiles with the an employer stored job posting criteria, which reads on, "comparing said personality profile of said

employment seeker to said aggregate personality profiles, to determine ones of said employment openings suiting said personality profile of said employment seeker" (col. 15, lines 3-23 and col. 8, lines 48-63).

Kurzius et al teaches all of the limitations above, but fails to teach a personality profile reflective of a personality trait of the candidate. Wagner, in the same field of endeavor, discloses personality profile reflective of personality trait of job seekers and matching said personality trait (See page 1). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of McGovern et al to incorporate the teachings of Wagner. A person having ordinary skill in the art would have been motivated to use such a modification in order to ensure a successful match of employee with employment.

Wagner in the same field of endeavor, discloses wherein one of the personality traits of an employee is **poise** (Page 1 paragraph 4). Wagner further teaches providing a series of questions and interviews to the job applicant. It would have been obvious to one of ordinary skill in the art to note that these set of questions and interviews are similar to a questionnaire. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Wagner into Kurzius et al for analysis purposes and in order to discover certain criteria from a job applicant.

Alternatively, Jane discloses the idea of assessing a candidate personality profile based on interviews given to the candidate and response obtained from the candidate. (See pages 2-7). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the disclosures of Kurzius et al with Wagner or Jane to include the personality assessment data therein. A person having ordinary skill in the art would have been

motivated to use such a modification in order to determine the quantitative skills of all candidate seeking a particular position.

As per claim 27, Kurzius et al teaches a system for automated candidate recruiting on a network including a computer-readable medium and a computer program encoded on the computer-readable medium, the computer program operable to be executed on a computer, the computer program further operable to perform the method of claim 22.

(11) Response to Argument

Appellants argue (pages 5-8) that the rejection of claims 1, 3-17, and 21-24 under 35 U. S. C. 101 as being directed to non-statutory subject matter. In response to appellants' arguments, the 35 U.SC 101 rejection has been withdrawn. Applicant is referred to *Ex Parte Lundgren,* 76 USPQ2D 1385 (B.P.A.I. 2005).

Appellants further asserted (pages 8-10) that neither McGovern nor Wagner discloses the claimed invention. Appellants further supported their assertion by arguing that McGovern et al and Wagner do not provide any motivation to modify them to arrive at the present invention. Applicant further asserted that neither McGovern et al nor Wagner teaches a list of actual positions. In response, the examiner respectfully disagrees with appellants' argument because by targeting the employee with a selection process, which implies that a list of available positions is provided to the employee. Furthermore, In response to appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, combining McGovern et al with Wagner would ensure a successful match of an employee with a desired employment.

In response to Appellants' arguments that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies [(i.e., *personality assessments are utilized at the initial step of the hiring process, before any meetings or interviews have taken place and the applicant is still* ***anonymous (i.e., there is no assessment of candidate being done in claim 1")))]*** are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellants further argue that the examiner has failed to show that the applied prior art references have provided any proper motivation to combine or modify the references to arrive at the claimed invention in claims 18 and 19. In response, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, combining McGovern et al with Wagner would ensure a successful match of an employee with a desired employment.

Appellants further argue (pages 11-13) that McGovern et al does not explicitly disclose providing the candidate with a candidate questionnaire in order to determine the individual

candidate data and thereby assessing a personality profile and Wagner teaches away from the use of questionnaire profile anonymous job applicants. In response, the examiner respectfully disagrees with Appellant's argument because the Wagner does teach the concept of interviewing a candidate for collecting personality profile of the candidates. Note page 1 of Wagner. Therefore, the examiner recognizes that combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, combining McGovern et al with Wagner would ensure a successful match of an employee with a desired employment. Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

Appellants further asserted (page 15) that the third sentence of the above paragraph contains an error and the examiner intended to refer to "Kurzius et al" in lieu of McGovern et al. In response, the examiner thanks Appellants for noting and clarifying the error, and it was indeed the examiner intention to type "Kurzius et al" in lieu of "McGovern et al".

Appellant further asserted (page 15) that the references "Kurzius et al, Wagner, and Jane" fails to disclose the claimed invention. Appellant further supported his assertion by arguing that the examiner has failed to show that the applied prior art references have provided any proper motivation to combine or modify the references to arrive at the claimed invention. In response, the examiner respectfully disagrees with Appellants' assertion, and the examiner recognizes that combining or modifying the teachings of the prior art to produce the claimed invention where

there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, combining Kurzius et al and with Jane would ensure a successful match of an employee with a desired employment. Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

In response to Appellants' arguments (page 16) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "**provides any motivation for making information about alternative employment opportunities at other competing available to an anonymous job candidate**") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

Appellants further asserted (Page 17) that the whole of claim 25 is directed towards the key feature of filtering available employment positions and claim 25 now clearly shows the **filtering** feature of the present invention. In response to appellant's argument, it is noted that the features upon which appellants rely (i.e., the feature of ***filtering*** available employment positions) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

Appellants further argued (Page 17) that the whole of claim 25 is directed towards the key feature of filtering available employment positions and claim 25 now clearly shows the **filtering** feature of the present invention. In response to appellants' arguments, it is noted that the features upon which appellants rely (i.e., "the feature of ***filtering*** available employment positions") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

In response to appellants' arguments (Page 17), the recitation ("***filtering*** available employment positions") has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

In response to appellants' arguments (Page 18) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, combining Kurzius and Wagner would have been obvious to a person of ordinary skill in the art in order to ensure a successful match of employees with employment. Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

In response to Appellants' arguments (page 20) that the references do not provide any motivation to modify them to arrive at the present invention. The examiner respectfully disagrees because Puram is directed to a method of using numerical values for matching an employee based on the employee's personality profile with an employer qualification. Note col. 5, line 60 through col. 6 line 31 of Puram. Combining Puram with McGovern and Wagner would ***provide highly compatible matches that should be satisfying for both employers and employees***. In particular, in reference to appellant's argument that Puram teaches away from using numerical values to *personality profile in an anonymous manner*. It is noted that the features upon which appellant relies (i.e. "…. ***personality profile in an anonymous manner***") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the Examiner submits that all the references are

sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

Appellants further argue (Page 22) that Haq teaches away from the calculation of metrics for creating anonymous personality profile. In response, it is noted that the features upon which appellants rely (i.e., creating **anonymous** personality profile is not cited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

In response to appellants' arguments (Page 23) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, modifying the teachings of McGovern et al, Wagner, and Puram et al to include the Haq et al's calculated metric would have been obvious to a person having ordinary skill in the art would because it would provide with the capability to optimize the match selection of employees with employers. Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

Appellants further argued (Page 17) that that this authenticates that the present invention was used by the anonymous individual and that the anonymous individual bearing the certificate has a personality suited for an available job. In response, the examiner respectfully disagrees because it is noted that the features upon which appellants rely (i.e., "the present invention was used by the anonymous individual and that the anonymous individual bearing the certificate has a personality suited for an available job") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

Further, in response to appellants' arguments (Page 24) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, modifying the teachings of McGovern et al, Wagner to include authentication method of Feldbau et al would have been obvious to a person of ordinary skill in the art in order to prevent the integrity of the document. Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

Appellants further argued (Page 26) that that this Jane teaches away from "the use of personality profiling in an anonymous". In response, the examiner respectfully disagrees with Appellants' arguments because it is noted that the features upon which appellants rely (i.e., "the use of personality profiling in an ***anonymous***") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, the Examiner submits that all the references are sufficiently enabling for their respective cited teachings and Appellants' arguments are non-persuasive.

Respectfully Submitted,

RJ
June 11, 2007

Conferees

Tariq R Hafiz
Supervisor Patent examiner
Art Unit 3623

Alexander Kalinowski
Supervisor Patent Examiner
Art Unit 3691

Ryan Zeender
for
Alex Kalinowski

Romain Jeanty
Primary Examiner
Art Unit 3623

Gordon & Jacobson, PC
60 Long Ridge Road
Suite 407
Stamford, CT 06902